
ASSEMBLY JOINT RESOLUTION NO. 4—ASSEMBLYMEN HAFEN,
O’NEILL, DICKMAN, KASAMA, HANSEN; DELONG,
GALLANT, GRAY, GURR, HARDY, HIBBETTS, KOENIG,
MCARTHUR AND YUREK

MARCH 14, 2023

JOINT SPONSORS: SENATORS TITUS, SEEVERS GANSERT,
GOICOECHEA, HANSEN, STONE; BUCK, HAMMOND AND
KRASNER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to create
an independent redistricting commission.
(BDR C-739)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the
Nevada Constitution to remove the constitutional
provisions governing the Legislature’s authority to
apportion Senators and members of the Assembly among
counties or legislative districts of the State and create
the Independent Redistricting Commission vested with
the power to apportion Senators and members of the
Assembly in the Legislature and members of the United
States House of Representatives among districts
established by the Commission.

Legislative Counsel’s Digest:

1 Article 4 of the Nevada Constitution requires the Legislature to apportion
2 Senators and members of the Assembly among the counties or legislative districts
3 of the State after each decennial census. (Nev. Const. Art. 4, § 5) This resolution
4 proposes to amend the Nevada Constitution to remove the constitutional provisions
5 that require the Legislature to apportion Senators and members of the Assembly
6 and, instead, create the Independent Redistricting Commission to apportion



7 Senators, members of the Assembly and representatives in the United States House
8 of Representatives among legislative districts established by the Commission.

9 This resolution proposes adding a new section to the Nevada Constitution to
10 create the Independent Redistricting Commission and requires the Commission to
11 apportion representatives of the United States House of Representatives among
12 congressional districts established by the Commission. This proposed amendment
13 to the Nevada Constitution requires the Commission to apportion Senators,
14 members of the Assembly and members of the United States House of
15 Representatives beginning in 2031 and after each subsequent decennial census of
16 the United States.

17 This proposed amendment to the Nevada Constitution requires: (1) the
18 Commission to be composed of seven members who are registered and eligible to
19 vote in this State; and (2) the Senate Majority Leader, Senate Minority Leader,
20 Speaker of the Assembly and Assembly Minority Leader to each appoint one
21 member. The remaining three members are: (1) required to be appointed by the four
22 members appointed by the legislative officers; and (2) prohibited from being
23 registered or affiliated with the largest or second largest political party for at least 4
24 years immediately preceding their appointment. This proposed amendment to the
25 Nevada Constitution requires the members of the Commission to serve terms for
26 the duration of the obligations of a census cycle.

27 This resolution also specifies the criteria that the Commission is required to use
28 in adopting a redistricting plan.

29 This resolution provides for certain provisions of this constitutional amendment
30 to remain in effect in the event that any other provision is deemed unconstitutional.

31 If this joint resolution is passed by the 2023 Legislature, it must also be passed
32 by the next Legislature and then approved and ratified by the voters in an election
33 before the proposed amendment to the Nevada Constitution becomes effective.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
2 NEVADA, JOINTLY, That a new section, designated Section 5A, be
3 added to Article 4 of the Nevada Constitution to read as follows:

4 *Sec. 5A. 1. There is hereby created within the*
5 *Legislative Department of the State Government the*
6 *Independent Redistricting Commission. It shall be the duty*
7 *of the Commission in the year 2031, and after each*
8 *subsequent decennial census of the United States, to*
9 *apportion the number of Senators and members of the*
10 *Assembly among legislative districts established by the*
11 *Commission and to apportion the number of representatives*
12 *in the United States House of Representatives among*
13 *congressional districts established by the Commission.*

14 *2. The Commission is composed of seven members who*
15 *are registered and eligible to vote in this State and who meet*
16 *the qualifications established in subsection 4. The Senate*
17 *Majority Leader, Senate Minority Leader, Speaker of the*
18 *Assembly and Assembly Minority Leader shall each appoint*
19 *one commissioner.*

20 *3. The four commissioners appointed pursuant to*
21 *subsection 2 shall appoint three additional commissioners,*



1 *each of whom must not have been registered or affiliated*
2 *with the largest or second largest political party for at least*
3 *4 years immediately preceding his or her appointment,*
4 *according to voter registration data published by the*
5 *Secretary of State as of January 1 of the redistricting year,*
6 *and none of whom, if registered or affiliated with a political*
7 *party, is affiliated or registered with the same political party*
8 *as another commissioner.*

9 *4. Within the 4 years immediately preceding his or her*
10 *appointment and during his or her term, a commissioner*
11 *may not be:*

12 *(a) A registered lobbyist;*

13 *(b) A candidate for a federal, state or partisan local*
14 *office;*

15 *(c) An elected official to a federal, state or partisan local*
16 *office;*

17 *(d) An officer or member of the governing body of a*
18 *national, state or local political party;*

19 *(e) A paid consultant or employee of a federal, state or*
20 *partisan local elected official or candidate, political action*
21 *committee, committee sponsored by a political party or*
22 *committee that seeks to influence elections to federal, state*
23 *or partisan local offices;*

24 *(f) An employee of the State of Nevada, except for*
25 *employees in the Judicial Department of the State*
26 *Government, the Armed Forces of the United States or a*
27 *state institution of higher education; or*

28 *(g) Related within the third degree of consanguinity or*
29 *affinity to any person disqualified under paragraphs (a) to*
30 *(f), inclusive.*

31 *5. The term of office of each commissioner expires*
32 *once the Commission has completed its obligations for a*
33 *census cycle, but not before any judicial review of the*
34 *redistricting plan is complete, or upon the release of the*
35 *subsequent decennial census of the United States,*
36 *whichever is earliest.*

37 *6. All meetings of the Commission shall be open to the*
38 *public. The Commission shall ensure that the public has*
39 *opportunities to view, present testimony and participate in*
40 *hearings before the Commission. All Commission materials*
41 *are public records.*

42 *7. The Commission shall adopt rules to govern its*
43 *administration and operation.*

44 *8. The powers granted to the Commission are*
45 *legislative functions not subject to the control or approval of*



1 *the Legislature and are exclusively reserved to the*
2 *Commission.*

3 And be it further

4 RESOLVED, That a new section, designated Section 5B, be added
5 to Article 4 of the Nevada Constitution to read as follows:

6 *Sec. 5B. 1. The Independent Redistricting*
7 *Commission shall draw districts for a redistricting plan*
8 *using the following criteria, in the order listed:*

9 (a) *Districts comply with the United States Constitution*
10 *and applicable federal law.*

11 (b) *Districts have an approximately equal number of*
12 *inhabitants.*

13 (c) *Districts are geographically contiguous.*

14 (d) *Districts are not drawn with the intent or result of*
15 *denying or abridging the equal opportunity of racial or*
16 *language minorities to participate in the political process or*
17 *elect representatives of their choice, whether by themselves*
18 *or voting in concert with other persons.*

19 (e) *Districts do not unduly advantage or disadvantage a*
20 *political party, when considered on a statewide basis.*

21 (f) *Districts reflect county, city and township*
22 *boundaries, to the extent practicable.*

23 (g) *Districts do not divide communities of interest, to the*
24 *extent practicable. Communities of interest are areas with*
25 *recognized similarities of interest, including without*
26 *limitation, racial, ethnic, economic, social, cultural,*
27 *geographic or historic identities, but not including*
28 *communities based on political affiliation.*

29 (h) *Districts are reasonably compact.*

30 (i) *Districts are politically competitive, to the extent*
31 *practicable without impairing compliance with paragraphs*
32 *(a) to (h), inclusive. A district is politically competitive if*
33 *there is a reasonable potential for the party affiliation of the*
34 *district's representative to change at least once between*
35 *each federal decennial census.*

36 2. *Not later than July 1, 2031, and not later than 180*
37 *days after each subsequent decennial census of the United*
38 *States, the Commission shall approve a redistricting plan*
39 *for the Nevada State Senate, the Nevada State Assembly and*
40 *all congressional districts in this State, after providing*
41 *public notice of each proposed final plan and allowing*
42 *sufficient time for public review and comment. The*
43 *Commission may only approve a final plan with at least five*
44 *affirmative votes, including at least one from a*
45 *commissioner registered with the largest political party, one*



1 *from a commissioner registered with the second largest*
2 *political party and one from a commissioner not registered*
3 *or affiliated with the largest or second largest political party,*
4 *according to voter registration data published by the*
5 *Secretary of State as of January 1 of the redistricting year.*

6 And be it further

7 RESOLVED, That a new section, designated Section 5C, be added
8 to Article 4 of the Nevada Constitution to read as follows:

9 *Sec. 5C. If any part of Section 5A or 5B of this Article,*
10 *as applicable, is declared invalid, or the application thereof*
11 *to any person, thing or circumstance is held invalid, such*
12 *invalidity shall not affect the remaining provisions or*
13 *application of Section 5A or 5B of this Article, as*
14 *applicable, which can be given effect without the invalid*
15 *provision or application, and to this end the provisions of*
16 *Sections 5A and 5B of this Article are declared to be*
17 *severable. This section shall be construed broadly to*
18 *preserve and effectuate the purpose of Sections 5A and 5B*
19 *of this Article.*

20 And be it further

21 RESOLVED, That Section 5 of Article 4 of the Nevada
22 Constitution be amended as follows:

23 Sec. 5. Senators and members of the Assembly shall be
24 duly qualified electors in the respective counties and districts
25 which they represent, and the number of Senators shall not be
26 less than one-third nor more than one-half of that of the
27 members of the Assembly.

28 It shall be the mandatory duty of the Legislature at its first
29 session after the taking of the decennial census of the United
30 States in the year 1950, and after each subsequent decennial
31 census, to fix by law the number of Senators and
32 ~~[Assemblymen, and apportion them among the several~~
33 ~~counties of the State, or among legislative districts which may~~
34 ~~be established by law, according to the number of inhabitants~~
35 ~~in them, respectively.]~~ *members of the Assembly.*

36 And be it further

37 RESOLVED, That this resolution becomes effective upon
38 passage.

